

**EXECUTIVE SUMMARY OF CHANGES
SUPERINTENDENT'S PROPOSED COMPENDIUM
2012
LAKE CLARK NATIONAL PARK AND PRESERVE**

Lake Clark National Park and Preserve is seeking public comment on the park's proposed 2012 Superintendent's Compendium. The attached proposed compendium is a written compilation of designations, closures, permit requirements and other restrictions adopted under the Superintendent's discretionary authority. After review and consideration of the need for annual updates, the following changes are proposed.

2.4(a)(2)(i) Carrying, using, or possessing weapons

This section has been modified to clarify that public use cabins are not considered federal facilities where firearms are prohibited.

2.10(d) Food storage: designated areas and methods

The NPS received feedback suggesting this provision could be modified to provide the superintendent discretion to accommodate other appropriate food storage practices as well as the ability to make exceptions on a case by case basis when complying with the requirements would be overly burdensome or impossible and would not pose an undue risk of wildlife obtaining food from humans. The NPS is proposing to modify this provision to allow the superintendent to make exceptions or authorize other practices on a case by case basis.

The reasons for this change include:

- A public safety and resource conservation concern exists when wildlife obtain food from people or associate humans with any form of nutritional reward. The intent of the regulations is prevent wildlife from obtaining food from humans or associating humans with food.
- The NPS recognizes that other storage practices may be appropriate and deviations from this policy may be warranted in certain circumstances.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

This section has been modified to reflect appropriate practices for disposal of human waste during winter months.

3.14(a) Conditions for removing sunken, grounded, or disabled vessels

This section was modified to make clear that a permit is not required for vessels that can be safely bailed out, ungrounded, or repaired on site safely by the operator if there is no potential for damage to resources.

13.40(e) Temporary closures to the taking of fish and wildlife

State of Alaska general (sport) wolf hunting and trapping seasons for Game Management Unit (GMU) 9 were extended by the Board of Game (BOG) to June 30, when wolves are denning and raising vulnerable offspring and their pelts have little to no trophy or economic value. The state changes apply to portions of Aniakchak, Katmai, and Lake Clark National Preserves.

The NPS proposes to restrict Aniakchak, Katmai, and Lake Clark Preserves to the take of wolves under the state sport hunting and trapping regulations during the timeframe wolves are denning. This change aligns hunting and trapping closure dates with the federal subsistence hunting season for GMU9, protecting wolves during vulnerable denning periods and while pelts are of poor quality. These season dates also align with neighboring GMU 17b State general (sport) and GMUs 17b and 19b federal subsistence hunting seasons, simplifying enforcement in the preserve. This compendia action strikes a balance and maintains current bag limits which have not resulted in excessive harvests by the public. Trapping bag limits remain unchanged from as early as 1993.

Public meetings were held in Port Alsworth and Nondalton in December 2011 where support for this proposed restriction was unanimous. Specific concerns expressed included that taking wolves during the summer could result in harvests with no tangible purpose. This has the potential to remove wolves that can and are taken later when furs are prime, providing local people with an essential cash crop where few other economic opportunities are presented. Public meetings are planned for King Salmon and Naknek in January 2012. Additional information specifying dates, times, and locations will be announced and available at NPS headquarters in King Salmon.

Proposed language for Aniakchak, Katmai and Lake Clark Compendia:

Wolf Hunting:

Units 9

Aniakchak, Katmai and Lake Clark wolves/day National Preserves	Aug. 10 – April 30	10
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Wolf Trapping

Units 9

Aniakchak, Katmai and Lake Clark National Preserves	Oct. 1 – April 30	No Bag limit
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Within these NPS Preserves, a person may not take a wolf by hunting between May 1 and Aug 9.

Within these NPS Preserves, a person may not take a wolf by trapping between May 1 and Sep 30.

Pursuant to Title 36 of the Code of Federal Regulations, Sections 13.40(e) and 13.50, the Superintendents of Aniakchak National Preserve, Katmai National Park & Preserve and Lake Clark National Park & Preserve have determined that temporary restrictions on the take of wolves during these hunting and trapping season extensions in these preserves is necessary to protect fundamental National Park Service (NPS) values associated with wildlife inhabiting NPS lands.

The reasons for these restrictions are:

The Alaska Board of Game (BOG), the public commission empowered to establish sport (general) hunting regulations in Alaska, voted in March 2011, to extend wolf (*Canis lupus*) hunting and trapping seasons in game management units (GMUs) 9 and 10 to June 30. These season liberalizations were implemented pursuant to the state's intensive management law (Alaska Statute, 16.05.255, 1994) and submitted for expedited approval. The Alaska Department of Fish and Game (ADF&G) issued an emergency order (EO) on April 1, 2011, to implement the extended seasons immediately, avoiding any delay to increased spring wolf harvests in 2011.

This EO followed an Intensive Management Plan (5AAC 92.125) approved by the BOG for GMU 10 to reduce wolf predation on caribou, specifically to restore the Unimak Island herd. This action was earlier blocked by the US Fish and Wildlife Service (USFWS) after they determined that the implementation of the aerial wolf control component of the plan was incompatible with refuge purposes. In the justification for the EO, ADF&G tied the liberalization directly to their unsuccessful efforts to implement predator control on refuge lands.

The Alaska Board of Game adopted Intensive Management Plans to reduce wolf predation on caribou and restore the herds, but the US Fish and Wildlife Service (USFWS) has deemed that the implementation of the aerial wolf control component of the plans is incompatible with refuge purposes on Unimak Island in Unit 10 and has not been approved by federal land managers in Unit 9....

In recognition of the need to reduce wolf predation on caribou in Units 9 and 10, this emergency order uses the Commissioner's authority to extend wolf hunting and trapping seasons until June 30 and eliminates the delay in the implementation of the Board's regulations (ADF&G Emergency Order, April, 2011).

Federal law provides that the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wildlife therein and prohibits impairment of park resources or values. Under NPS management policies, activities that may result in impairment include those that impact a "resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park." Because the impact threshold at which impairment occurs is not readily apparent, the NPS policies require managers to avoid unacceptable impacts to park resources and values. Unacceptable impacts are

those that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or those that unreasonably interfere with other appropriate uses.

In addition to above, the legislated purposes of Katmai and Lake Clark include the protection of habitat for and populations of fish and wildlife. Congress directed the NPS to manage national preserves in the same manner as national parks with the exception that sport hunting and trapping are authorized. National park areas are closed to the taking of wildlife except as specifically authorized by Congress. Congress authorized taking of wildlife in NPS preserves for Title VIII subsistence uses, trapping, and sport hunting. The legislative history provides that “[t]he standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the park system shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high: the objective for park system lands must always be to maintain the health of the ecosystem and the yield of fish and wildlife for hunting and trapping must be consistent with this requirement.” The state’s general hunting program applies in NPS preserves to the extent that it is consistent with NPS laws and regulations. The NPS may close or restrict the take of wildlife in preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.50.

State justifications for these season extensions are founded on intensive management predator control objectives and create unacceptable impacts to the preserves’ purposes and values. The practice of hunting or trapping wolves into summer has long been prohibited. Consistent with sound management principles and conservation of wildlife, practices that disturb animals when they are in a vulnerable state—in their dens, when reproducing, injured, or very young—are usually avoided. Accordingly, these practices have generally been prohibited under federal subsistence and the state’s general hunting regulations.

Continuation of the natural process is expected in park areas except as specifically authorized by Congress. The take of denning wolves sanction practices that have the potential to impact the natural integrity of a native species. The practical effect of these allowances, open to all hunters and trappers, is increased efficiency for taking predator species and has potential to create pressures on the natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with NPS statutes, regulations, and policies and exceed Congress’s authorization of sport hunting in ANILCA.

The NPS recognizes and supports subsistence and sport hunting, and trapping. These activities are important heritage activities in NPS preserves in Alaska. However, introducing NPS preserves to these liberalized wolf harvest opportunities, to include pups, when pelts are of poor quality and offspring are vulnerable, for the purpose of reducing predator populations, are unacceptable impacts which exceed the authorization of sport hunting. This compendium provision recognizes that state and federal mandates differ in this case and adopts a federal restriction for NPS preserves to comply with

federal law and policy in park areas. The NPS remains committed to managing park resources and values in a way that minimizes interference with state management of resident wildlife resources.

The reasons less restrictive measures will not be effective are as follows:

- The NPS has consulted with the State of Alaska and has requested the state exempt NPS preserves from the authorization as has been done in other cases where federal and state objectives differ (i.e., intensive management and predator control). Should the State of Alaska modify state regulations and provide an exception for NPS areas, this restriction would not be necessary to protect park resources and values and would not be implemented. If the state authorization is unchanged, these restrictions will remain in place pending promulgation of a federal rule/regulation.

LAKE CLARK NATIONAL PARK AND PRESERVE PROPOSED COMPENDIUM 2012

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Lake Clark National Park and Preserve, Port Alsworth, Alaska at (907) 781-2218 for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

A permit is required for group sizes exceeding 15 individuals.

From May 1 through August 31, meadow north of the slough in Chinitna Bay as shown on the attached map is closed.

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Group sizes exceeding 15 individuals, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)

- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Demonstrations involving 26 or more persons, 2.51
- Sale and distribution of printed matter for First Amendment purposes by groups of 26 or more persons, 2.52
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Towing a person using a parasail, hang glider, or other airborne device, 3.12(b)
- Removing sunken, grounded, or disabled vessels, 3.14(a)
- Operating a submersible, 3.19
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit)
- Cabins on federal lands, 13.100-13.188
- Subsistence use in the Park by person who does not live within the Park boundary or a resident zone community, 13.440(a)
- Using aircraft access for subsistence activities in the Park, 13.450(a), 13.450(b)(1)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.85(a)(1)
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood
Superseded by 13.35(c)(4), 13.35(d), and 13.485(b).

2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue

No designated areas or conditions.

2.1(b) Designated trails

No restrictions on walking or hiking.

2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions

Superseded by 13.35(c) and 13.485(b).

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

See also 13.40(d)(5).

2.2(e) Designated areas for wildlife viewing with artificial light

No areas designated for closure.

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally qualified rural residents is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks.

2.4(a)(2)(i) Carrying, using, or possessing weapons

Individuals are authorized to possess firearms in NPS areas in accordance with applicable state and federal law. With the exception of public use cabins, possession of firearms is prohibited in Federally owned or leased buildings. The laws regarding discharge of firearms remain unchanged.

2.10(a) Camping: conditions and permits

Superseded in part by 13.25.

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.igbconline.org/html/safety.html>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/index.cfm?adfg=bears.containers>), with the concurrence of the Superintendent;

- Items or methods approved by the Superintendent.
- (2) In designated areas - within ½ mile of the coast line of Cook Inlet and within ½ mile of the shore line of Telaquana Lake, Crescent Lake, Turquoise Lake, Upper Twin Lake and Lower Twin Lake – food and beverages, food and beverage containers, garbage and harvested fish must be stored in a bear resistant container (BRC) or secured—
- Within a hard sided building;
 - Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
 - By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear’s weight.
 - The Superintendent may, upon request, waive or modify food storage requirements in circumstances where compliance with these requirements is not possible, overly burdensome, and is not inconsistent with public safety and wildlife conservation interests.
- (3) This provision does not apply to—
- Areas not designated in paragraph (2);
 - Food that is being transported, consumed or prepared for consumption; and
 - Clean dishes and cooking equipment free of food orders.
 - Bait being used for trapping and hunting under the provisions of state and federal law.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. We also recommend using BRC’s in all areas of the park, but do not require it. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park’s visitor center in Port Alsworth.

2.11 Picnicking: designated areas

Superseded by 13.26.

2.13(a)(1) Fires: designated areas and conditions

Campfires are authorized in all areas without a permit. All trash (foil, burnt food, glass, and cans) must be removed from the fire site after use.

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

Dumping of refuse brought into the park in the NPS landfill or trash receptacles is prohibited unless otherwise authorized by the Superintendent.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park.

2.14(a)(5) Sanitation: designated areas for bathing and washing

No designated areas. Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.

2.14(a)(7) Sanitation: designated areas for disposal of fish remains

Silver Salmon Creek: all fish must be gutted and cleaned on the ocean beach.

In all other areas, fish remains may not be disposed on land, or in waters within 200 feet of public boat docks, designated swimming beaches, or within developed areas for reasons of public health and safety.

Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches, or within developed areas for reasons of public health and safety.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

When the ground is not frozen, human feces must be either packed out or deposited in a “cathole” dug 6-8 inches deep in soil at least 100 feet from any water source, shoreline, campsite or trail. When the ground is frozen, human feces must be disposed over at least 100 feet from any water source and covered with snow or packed out.

Tissue paper and sanitary items should be buried, burned or packed out.

The intent of these conditions is to provide for healthy, sanitary and visually aesthetic environments as well as to protect natural resources.

2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste

Toilet paper will be burned or removed as trash.

2.15(a)(1) Areas designated as closed to pets

No designated areas. Pets must be leashed or physically restrained at all times.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

No conditions at present.

2.15(b) Conditions for using dogs in support of hunting activities

No conditions at present.

2.16 (a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.460(a) supersedes this section.

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

Use of aircraft in the Park for subsistence purposes is prohibited under 36 CFR 13.450.

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited.

2.17(c)(1) Conditions for removing downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles: designated areas for use

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11(c).

Superseded by 36 CFR 13.460 for subsistence uses.

2.19(a) Winter activities on roads and in parking areas: designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities.

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

No designated areas or routes.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.

2.22 Property: leaving property unattended for longer than 24 hours

Superseded by 13.45.

2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption

No areas designated as closed.

2.38(b) Fireworks: permits, designated areas, and conditions

No areas designated for use of fireworks.

2.51 First Amendment Demonstrations

The area depicted on the attached map titled “Designated Area for First Amendment Activities” is open to public demonstrations by groups that involve 25 or fewer persons without a permit. Demonstrations involving twenty-six or more individuals must have a permit issued by the superintendent.

2.52 Designated areas for sale and distribution of printed matter for First Amendment purposes

The area depicted on the attached map titled “Designated Area for First Amendment Activities” is open to sale or distribution of printed matter by groups that involve 25 or fewer persons without a permit. Printed matter is limited to message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising. Groups involving twenty-six or more individuals must have a permit issued by the superintendent.

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit. Any feed brought in must be “weed-free.”

Grazing in support of commercial operations is only allowed under permit from the superintendent.

These restrictions seek to lessen the impact of extended camps on vegetation.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.3 Permits

No permits required at present.

3.7 Personal Flotation Devices: designated times and/or activities

No designated times or activities. PFDs must be worn in accordance with 33 CFR part 175.

3.8(a)(2) Boating, prohibited operations: designated launching areas

All areas are open to launching of boats.

3.8(a)(4) Operating a vessel in excess of designated length, width, or horsepower

No designations at present.

3.8(b)(3) Operating a vessel in excess of flat wake speed in designated areas

No designated areas.

3.12(a) Water skiing: designated waters

All areas designated open.

3.14(a) Conditions for removing sunken, grounded, or disabled vessels

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from waters within NPS administered areas except when the operator is able to remove or repair the vessel on site safely and without potential for damage to resources.

This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources and provide for public safety.

3.16 Swimming and wading: areas designated as closed

All areas are open to swimming and wading.

3.17(a) Designated swimming areas and beaches

No designated areas.

3.17(c) Use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or beaches

No restrictions at present.

3.18(a) SCUBA and underwater diving: closures and restrictions

No closures or restrictions at present.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Routes or areas designated for off-road motor vehicle use in Preserves

No routes or areas designated.

See also 43 CFR 36.11(g).

4.11(a) Load weight and size limits: permit requirements and restrictive conditions

No restrictions at present.

4.21(b)-(c) Speed limits: designation of a different speed limit

No designations; therefore park area speed limits of 15 miles per hour apply in the business and residential areas.

All vehicles should operate at a safe speed, especially in the Port Alsworth headquarters/residential areas.

4.30(a) Routes designated as open to bicycles

Superseded by 43 CFR 36.11(e).

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

5.7 Construction of buildings, roads, trails, airstrips, or other facilities

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

PART 13. ALASKA REGULATIONS

13.25(a) Temporary closures and restrictions to camping

No closures or restrictions at present.

13.25(b) Site time limits: authorization to exceed 14 day limit at one location

No general exceptions at present.

13.25(c) Designated campgrounds: restrictions, terms, and conditions

No designated campgrounds.

13.26 Picnicking-areas where prohibited or otherwise restricted

Chinitna Bay bear viewing area - Picnicking in Chinitna Bay from Glacier spit to the NPS Ranger Cabin (2 miles east) is prohibited above the beach from June 1 thru August 30.

This restriction is intended to minimize the risk of negative human/bear interactions and prevent bears from associating food with the bear viewing area.

13.30(b) Temporary closures or restrictions to carrying, possessing, or using firearms

There are no additional restrictions.

13.35(d) Collection of dead standing wood: areas designated as open and conditions for collection

No designated areas.

13.35(f)(1) Natural features: size and quantity restrictions for collection

No restrictions at present.

13.35(f)(2) Natural features: closures or restrictions due to adverse impacts

No closures or restrictions at present.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife

Wolf Hunting:

Units 9

Aniakchak, Katmai and Lake Clark wolves/day National Preserves	Aug. 10 – April 30	10
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Wolf Trapping

Units 9

Aniakchak, Katmai and Lake Clark National Preserves	Oct. 1 – April 30	No Bag limit
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Within these NPS Preserves, a person may not take a wolf by hunting between May 1 and Aug 9.

Within these NPS Preserves, a person may not take a wolf by trapping between May 1 and Sep 30.

13.45(b)(1)-(6) Exceptions to unattended or abandoned property

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

13.45(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

No designated areas.

13.50(h) Facility closures and restrictions

No restrictions at present.

13.122 Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.160 Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

No designations at present. All subsistence use requires permit from superintendent.

13.166 Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

No conditions or standards established at present.

13.170 Designated cabins or other structures for general public use

No designations; however, all NPS cabins, not otherwise under NPS permit, are open for short-term public use (up to 14 days per year). NPS ranger station cabins are excluded.

13.172 Established conditions and allocation system to manage the use of designated public Not applicable.

13.188(b) Established conditions for removal of temporary facility used in excess of 14 days

Individuals must remove facility, all personal property, and return the site to its natural condition.

These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.

13.460 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30; 43 CFR 36.11(c)-(e).

13.485(a)(1) Permit specifications for harvesting standing timber greater than 3" diameter for subsistence purposes (house logs & firewood)

The superintendent may allow subsistence harvest of trees greater than 3" subject to the terms and conditions of a permit issued by the superintendent.

The above restriction serves to minimize impact to park resources and protect against overharvest.

13.485(a)(2) Restrictions on cutting of timber less than 3" in diameter for subsistence purposes

Stumps shall be 8 inches or less above the ground.

The above restriction is intended to make cut stumps visually blend in with the surroundings while minimizing safety hazards associated with timber harvest.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

No closures at present.
See also 2.18.

36.11(d) Temporary closures to the use of motorboats

No closures at present.
See also 3.3, 3.6.

36.11(e) Temporary closures to the use of non-motorized surface transportation

No closures at present.
See also 2.16, 3.3, 3.6.

36.11(f)(1) Temporary closures to landing fixed-wing aircraft

No closures at present.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

A permit is required from the superintendent before downed aircraft may be salvaged and removed from the NPS lands; violation of the terms and conditions of the permit is prohibited.

This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

No designated trails. See also 4.10.

Superintendent

1/13/12

Date

Attachment: 2.10 Food Storage Determination
3.20 Water skiing Determination
3.14(a) Conditions for removing sunken, grounded, or disabled vessels
1.5 Closures and public use limits at Chinitna Bay
Designated areas for First Amendment Activities

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 2.10(d), the Superintendent of Lake Clark National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, harvested fish, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem are adapted to subsist on natural foods. Obtaining human food may adversely affect behavior of individuals and the health of wildlife populations. Because natural processes are expected within NPS areas, wildlife should not obtain food from people.
2. Both black and brown bears are common throughout parklands and are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to conditioning to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they may return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Due to the transfer of knowledge from sows to cubs and the long life span of individual bears, young bears exposed to human foods may display unnatural and unacceptable behavior for decades.
6. Bears which become conditioned to human food are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
7. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper food storage and disposal of food and garbage have been undertaken by state and federal agencies in Alaska and in other western states for many years. These efforts have undoubtedly reduced food conditioning and wildlife/ human conflicts.
2. Recognizing that variations in the environment and recreational activities require multiple food storage options, NPS managers have undertaken the following to assist visitors and make these conditions less onerous by making bear resistant containers (BRCs) available at NPS headquarters.
3. Despite these efforts, NPS managers repeatedly encounter situations in which food or garbage is improperly stored throughout the parklands.

4. The food storage conditions under this section allow for a wide variety of storage options, including free loans of portable BRC units, to make compliance less onerous.
5. We have considered the use of the State of Alaska regulations which prohibit intentionally or negligently feeding wildlife or leaving human food, pet food, or garbage in a manner that attracts wildlife. While NPS officers cannot enforce this state regulation directly, the NPS considered this language for the compendium. Given the NPS mandate to protect wildlife, the NPS prefers a proactive approach designed to prevent wildlife from obtaining food from humans, intentionally or unintentionally.
6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment to promote compliance, these conditions are the least restrictive required to fulfill the parklands mission of protecting wildlife and human safety.

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Water Skiing

Pursuant to Title 36 of the Code of Federal Regulations, 3.20(a), the Superintendent of Lake Clark National Park and Preserve has determined that it is reasonable to allow water skiing especially considering the very small scale at which this activity currently exists.

The reasons for this opening are as follows:

1. Pursuant to Title 43 of the Code of Federal Regulations 36.11(d) motor boats may be operated on all area waters, except where such use is prohibited or otherwise restricted. At present there are no restrictions on motorboats.
2. The minimal amount of water skiing that currently occurs is limited to Lake Clark and more specifically Hardenburg Bay near the village of Port Alsworth.
3. Presently water skiing is limited by the cold water temperatures of Lake Clark to a few hot sunny days mostly in June or July.
4. The most likely adverse effects of water skiing would be visitor use conflict or possible adverse impacts on nesting waterfowl. At present the NPS has no data on negative impacts to nesting birds nor has the NPS received any comments on negative impacts to other user groups.

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Conditions for removing sunken, grounded, or disabled vessels

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 3.14(a), the Superintendent of Lake Clark National Park and Preserve is requiring a permit before sunken, grounded, or disabled vessels may be removed from the park.

The reasons for this restriction are as follows:

- This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

The reasons less restrictive measures will not be effective are as follows:

- How to protect park resources, public safety, and minimize visitor impact when removing a disabled vessel needs to be addressed on a case by case basis since the circumstances involved in each incident is unique. A permit allows the park and the boater maximum flexibility to address the specific circumstances at hand when removing disabled vessels.

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Conditions for removing sunken, grounded, or disabled vessels

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 3.14(a), the Superintendent of Lake Clark National Park and Preserve is requiring a permit before sunken, grounded, or disabled vessels may be removed from the preserve if the operator is unable to do so without risking damage to resources or endangering public safety.

The reasons for this restriction are as follows:

- This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

The reasons less restrictive measures will not be effective are as follows:

- How to protect resources, public safety, and minimize visitor impact when removing a disabled vessel needs to be addressed on a case by case basis since the circumstances involved in each incident is unique. A permit allows the NPS and the boater maximum flexibility to address the specific circumstances at hand when removing disabled, grounded or sunken vessels.

Subject: Closures and public use limits

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(a)(1) the Superintendent of Lake Clark National Park and Preserve has determined:

A permit is required for group sizes exceeding 15 individuals.

The reasons for this restriction are as follows:

1. Remote areas that have not been naturally hardened are susceptible to accelerated degradation from large groups.
2. Large groups visiting the park has resulted in impacts to pristine environments from trampling vegetation, compacting soils, improper human waste disposal, and gathering downed and dead wood.
3. Requiring a permit will enable large groups to enjoy the park in a manner consistent with protecting park resources. This process will help groups select appropriate locations for their activities, ensure groups receive information on Leave-No-Trace techniques and NPS regulations, and allow for conditions to minimize impacts to park resources.

The reasons less restrictive measures will not be effective are as follows:

1. Unregulated large groups tend to have unacceptable impact to park resources.
2. Educational efforts regarding Leave No Trace and techniques to minimize group impacts in sensitive habitats have not been fully successful. In some sensitive habitats degradation continues to expand with large group size.

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage: designated areas and methods

Pursuant to Title 36 of the Code of Federal Regulations, 2.10(d) the Superintendent of Lake Clark National Park and Preserve has determined:

In order to protect public safety and prevent adverse impacts on wildlife, Crescent Lake will be added to the list of lake shores and areas requiring the use of bear resistant food containers in Lake Clark National Park. Crescent Lake is located on the southwest flank of Mount Redoubt. Historically this area has seen limited camping activity due to high density bear populations and dense vegetation. Recently the area has experienced increased camping activity and a corresponding increase in the number of incidents that bears have been exposed to human food sources. The required use of Bear Resistant Food Containers in this area is intended to reduce the number of incidents in which bears may gain access to human food sources.

Subject: Closures and public use limits

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(a)(1) the Superintendent of Lake Clark National Park and Preserve has determined:

From May 1 through August 31, the meadow north of the slough in Chinitna Bay as shown on the attached map is closed.

The reasons for this restriction are as follows:

- The NPS is concerned over bear-human conflicts and critical bear habitat in Chinitna Bay. Between May and August, this area is critical habitat for bear feeding and mating activity.
- Bears congregate in this meadow and move freely between the forested area to the north and the slough. In 2009, over 60 individual bears reportedly occupied this area.
- Most bear viewing activity occurs in two prominent locations along the south side of the slough. One area is on private property. The other is a long recognized NPS viewing area north east of the private property. The NPS is considering the identification of a third viewing location to provide additional bear viewing opportunities. Human movement between these viewing areas should be limited to travel below the vegetation line along the Chinitna Bay beach. This route of travel provides the best visibility for visitors to minimize surprise bear /human encounters in tall grass or dense spruce vegetation and will help minimize inadvertent trespass on private property. Unregulated travel along the south bank of the slough inadvertently pushes bears back into the meadow interferes with visitors occupying bear viewing locations by pushing bears out of sight.

The reasons less restrictive measures will not be effective are as follows:

Commercial operators are already subject to this restriction and generally compliance among commercial operators is good. However, in recent years, unguided visitors have entered this area during this critical time period, jeopardizing public safety by increasing the likelihood of bear-human conflicts and also potentially impacting bears.

